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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,360	05/27/1999	MICHAEL F. GUHEEN	AND1P101	6371
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BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3639	PAPER NUMBER

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/321,360

Applicant(s)

GUHEEN ET AL.

Examiner

Akiba K. Robinson-Boyce

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/06 has been entered.

Status of Claims

2. Due to communications filed 1/23/06, the following is a non-final rejection. Claims 1, 7 and 13 have been amended. Claims 1-19 are pending in this application and have been examined on the merits. Due to the amendment filed, the previous office action has been withdrawn and the following rejection reflects the claims as amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being obvious over Rassman, et al (US Patent 4,937,743), and further in view of Turnbull (US Patent 5,208,765).

As per claims 1, 7, 13, Rassman, et al discloses:

displaying a pictorial representation of an existing system including a plurality of components, (Col. 2, lines 59-65, [information about available resources in a provided database is being graphically displayed], Col. 14, lines 13-16, Fig. 7, [shows how resources 123, 233, 224 {which represent components} are displayed]);

compiling, by the processor...listing of additional components for implementation into the existing system/...compiles...listing of additional components for implementation into the existing system, (Col. 3, lines 7-11, [discloses that the resource information in the database can be updated to have or list the most recent data {resource information}], w/ col. 2, lines 8-17, shows use of project planners are well known where sequential scheduling of tasks are implemented);

determining a first set of the additional components for implementation in a first implementation phase/...determines a first set of the additional components for implementation in a first implementation phase, (Col. 4, lines 58-65, [resource information in the primary database], (Col. 8, lines 8-10, [shows primary resource is planned according to a given block of time {phase} represented by a "cell"]));

determining a second set of additional components for implementation in a second implementation phase/...determines a second set of additional components for implementation in a second implementation phase, (Col. 4, line 66-Col. 5, line 8,

[resource information in the secondary database], Col. 8, lines 21-24, [shows secondary resource is represented by a "cell", which represents a given block of time {phase}]);

modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase/...modifies the pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22 and lines 25-26, [shows that primary resources {first set of components} are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the first phase are indicia coded by the vertical rectangles labeled "Y" One for phase one)

modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase/...modifies the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22, lines 27-36, [shows

secondary resources are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the second phase are indicia coded by the vertical rectangles labeled "Y" Two for phase two);

and that a proper functioning of the second set of components require an installation of the first set of components in the first phase, (Col. 11, lines 19-24, discloses the establishment of predetermined sequences, where it is necessary that one step be completed before the other).

In this particular claim, computer programs, code segment and logic, and a processor that executes computer-executable instructions for performing the logic are inherent with Rassman, et al's system because since he teaches that his method is carried out in a computer system, computer programs using code segments, logic, and a processor that executes computer-executable instructions for performing the logic is absolutely necessary for the computer to successfully process information and produce results.

The following is also inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software:

a system for providing a web architecture framework...

Rassman et al fails to specifically disclose an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture

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framework, but does disclose the establishment of predetermined sequences, where it is necessary that one step be completed before the other as shown in col. 11, lines 19-24.

However, Turnbull discloses:

an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture framework, (Col. 4, lines 14-20, shows that any person desiring to know the status of product development/production can access the product control matrix 100, which informs the person of requirements that have been completed, which constitutes as the required requirements that have been completed for the development of products [which includes installation of components], also see Fig. 1, which shows an ordered listing of requirements for each stage, w/Col. 8 lines 55-64, shows 10 requirements for the product design stage, where these requirements must include information about products used for design, for example Packing Design is listed as one of the requirements, w/ col. 9, lines 3-10, shows that the requirements are not listed in a chronological or sequential order, but shows that this listing is obvious since some requirements must be completed before others, therefore, as requirements are listed as shown in Fig. 1, these requirements may not be in chronological order, but appear, or are in an order as they are required to be completed for each stage). Turnbull discloses this limitation in an analogous art for the purpose of showing that requirements for developing a product [which includes component installation] are performed in a specific order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an ordered listing, where the ordered listing provides an order that is required for installing the components in the web architecture framework with the motivation of having the means to implement the development of products in a specific order.

As per claims 2, 8, 14, Rassman, et al discloses:

wherein a legend is presented which defines the indicia coding...(Col. 7, lines 11-18, Col. 8, lines 5-7 [indicia is being used to define an item]).

As per claims 3, 9, 15, Rassman, et al fails to teach wherein the components of the existing system are selected from the group of components including operation services and developer services. Rassman et al would have utilized operation services and developer services with the motivation of accurately scheduling, monitoring and managing resources of the system.

However Turnbull discloses wherein the components of the existing system are selected from the group of components including operation services and developer services in Col. 2, lines 27-30 in an analogous art for the purpose of properly operating on and developing the product in order to indicate the completion status.

It would have been obvious to one of ordinary skill in the art to select the components of the system from the group of components including operation services and developer services and incorporating these components from Turnbull into Rassman with the motivation of operating on and developing products so they can be successfully scheduled, monitored and managed.

As per claims 3, 9, 15, the following is inherent with Rassman, et al since this patent discloses the “management of a plurality of interrelated and interdependent resources using a computer system”. In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be inherent to incorporate hardware and software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claims 4, 10, 16 Rassman, et al discloses:

wherein the components of the existing system are selected from the group of components including...customer-related services...(Col. 4, lines 36-42, Col. 5, lines 51-53, [hospital services are customer-related where the patient is the customer]).

As per claims 5, 11, 17, Rassman, et al discloses:

wherein the indicia coding is selected from the group of indicia coding including texture coding, color coding...(Col. 6, lines 11-5).

As per claims 6, 12, 18, Rassman, et al discloses:

wherein the step of displaying a pictorial representation of an existing system including a plurality of components also includes displaying additional components that may be implemented into the system, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated]).

As per claims 6, 12, and 18 , the following is inherent with Rassman, et al since this patent discloses the “management of a plurality of interrelated and interdependent

resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be inherent to incorporate hardware and software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claim 19, Rassman et al discloses:

In response to (c), determining remaining components, (Col. 7, lines 55-57, [where it shows that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in "Case abc"]);

Separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly, (Col. 12, lines 19-25, [shows separation of primary and secondary resources by selecting certain resources as the primary and secondary resources])

Including the primary components in the first set of additional components/Including the secondary components in the second set of components, (col. 12, lines 25-31, [shows separation of primary or secondary resources by selecting certain resources as primary/secondary resources, where operating rooms O represents the primary component, and surgeon S, anesthesiologist, A, etc. represent the secondary component]).

Response to Arguments

5. Applicant's arguments in the response filed 1/23/06 have been fully considered but they are not persuasive.

As per claim 1, the applicant argues that as amended, Rassman fails to suggest an ordered listing providing an order that is required for installing the component in the web architecture framework. However, in the new rejection as described above, the combination of Rassman and Turnbull disclose this limitation. First, Rassman discloses that the resource information in the database can be updated to have or list the most recent data or resource information in Col. 3, lines 7-11. Rassman also discloses the establishment of predetermined sequences, where it is necessary that one step be completed before the other as shown in col. 11, lines 19-24. However, Turnbull modifies this limitation. It is Turnbull that discloses the ordered listing. Specifically, in Col. 4, lines 14-20, Turnbull shows that any person desiring to know the status of product development/production can access the product control matrix 100, which informs the person of requirements that have been completed, which constitutes as the required requirements that have been completed for the development of products [which includes installation of components]. Also in Fig. 1, Turnbull shows an ordered listing of requirements for each stage, and in Col. 8 lines 55-64, Turnbull shows 10 requirements for the product design stage, where these requirements must include information about products used for design, for example Packing Design is listed as one of the requirements. Finally, in col. 9, lines 3-10, Turnbull shows that the requirements are not listed in a chronological or sequential order, but shows that this listing is obvious

since some requirements must be completed before others, therefore, as requirements are listed, these requirements may not be in chronological order, but appear, or are in an order as they are required to be completed for each stage.

Applicant also argues that Rassman fails to teach indicia coding to indicate that resource 223 must be installed in order for resource 224 to function properly, and consequently fails to suggest the gesture of “modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase and that a proper functioning of the second set of components require an installation of the first set of components in the first phase”. However, Rassman discloses the display of resource utilization for the most recent data after data in resource database is updated, where the components [represented by resources] for the second phase are indicia coded by the vertical rectangles labeled “Y” Two for phase two) as shown in Col. 14, lines 12-16 and Fig. 7. In this case, different types of indicia such as “scheduling indicia”, “status indicia” and “conflict indicia” can be used for different scenarios as shown in Col. 2, line 67-Col. 3 line 11. In addition, Rassman discloses the establishment of predetermined sequences, where it is necessary that one step be completed before the other in Col. 11, lines 19-24, which reinforces the installation of the first set of components in the first phase in order for the second set of components to properly function.

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For the reasons stated above, claim 1 and all claims that depend from it still remain rejected.

As per claims 7, and 13, the applicant argues this claim for reasons similar to those of claim 1. Claims 7, 13, and all claims that depend from them are therefore rejected for the same reasons as disclosed above with respect to claim 1.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'Akiba K Robinson-Boyce', written in a cursive style.

A. R. B.
March 22, 2006